

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER E. KOCH,)	
)	
Plaintiff,)	
vs.)	NO. CIV-15-0811-HE
)	
JOHN CARLISLE, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Christopher E. Koch, a state prisoner appearing *pro se* and *in forma pauperis*, brought this action pursuant to 42 U.S.C. § 1983 asserting violations of his rights under the First Amendment to the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000-cc, et seq. This matter was referred to U.S. Magistrate Judge Bernard M. Jones for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B).

Defendants moved to dismiss the complaint pursuant to Fed.R.Civ.P. 12(b)(6). Judge Jones has recommended that defendants' motion be denied, on the basis plaintiff has not pleaded facts in his complaint from which it can be plausibly inferred that he has stated claims for relief. The parties were advised of their right to object to the Report and Recommendation by March 23, 2017.

No objection to the Report and Recommendation has been received. The parties have therefore waived any right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court **ADOPTS** the Report and Recommendation [Doc.

28]. Defendants' motion to dismiss [Doc. #22] is **DENIED**.

IT IS SO ORDERED.

Dated this 24th day of March, 2017.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE